

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>SHONEY’S NORTH AMERICA, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>No. 3:12-cv-00625</b>
<b>v.</b>	)	
	)	<b>Judge Sharp</b>
<b>SMITH &amp; THAXTON, INC., <i>et al.</i>,</b>	)	<b>Magistrate Judge Knowles</b>
	)	
<b>Defendants.</b>	)	

**ORDER**

Pending before the Court is a Report and Recommendation (“R & R”) of the Magistrate Judge, recommending that a default judgment be entered against Defendant Smith & Thaxton, Inc. Specifically, the R & R provides,

On November 18, 2013, the undersigned entered an Order noting that the attorney previously representing Defendant Smith & Thaxton, Inc., had withdrawn from this case. Docket No. 58. The Order further noted that the corporation could not represent itself pro se. *Id.* The Order provided in relevant part:

Smith & Thaxton, Inc. shall retain counsel, who shall enter an appearance in this action within thirty (30) days of the entry of this Order. If Smith & Thaxton, Inc. fails to abide by the provisions of this Order, the undersigned will recommend that a default be entered against it. *Id.*

Defendant Smith & Thaxton, Inc. has failed to abide by the Court’s Order. For the foregoing reasons, the undersigned recommends that a default be entered against it.

(Docket Entry No. 64). No objections were made to the R & R.

Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b). Having thoroughly reviewed the

record in this case and the applicable law in accordance with Rule 72(b), the Court will accept the R & R.<sup>1</sup>

Accordingly, the Court hereby rules as follows:

(1) The Report and Recommendation (Docket Entry No. 64) is hereby ACCEPTED and APPROVED; and

(2) This action is hereby returned to the Magistrate Judge for further pretrial management in accordance with Local Rule 16.01.

**It is SO ORDERED.**

A handwritten signature in black ink that reads "Kevin H. Sharp". The signature is written in a cursive, slightly slanted style. Below the signature is a horizontal line.

KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> On March 10, 2014, the Clerk of the Court granted *Plaintiff's Request for Entry of Default Against Defendant Smith & Thaxton, Inc.* (Docket Entry No. 72), and entered a default judgment pursuant to Federal Rule of Civil Procedure 55(a). *See* (Docket Entry Nos. 76 and 78). Therefore, there is no need for the Court to enter a separate default judgment.